



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

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**NOTICE OF APPEAL AND
REQUEST FOR EXTENSION OF
TIME PURSUANT TO 37 C.F.R. §
1.136(a)**

Docket Number:
11411/115

Application Number
09/482,688

Filing Date
January 13, 2000

Examiner
Frank I. Choi

Art Unit
1616

Invention Title
**FOOD SUPPLEMENT FOR INCREASING
LEAN MASS AND STRENGTH**

Inventor(s)
Paul T. GARDINER et al.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: June 27, 2003

Signature: John Resek

Applicants hereby appeal to the Board of Patent Appeals and Interference from the decision of the Examiner made in the Final Office Action dated December 2002, rejecting claims 25, 27-29, 31-34, 36-38, 40-43, 45-47, 49-57, and 65-67.

An Amendment accompanies this response.

Applicants also respectfully request a three-month extension of time in which to respond to the Final Office Action for which a response period expiring on March 31, 2002 was set. The extended period now expires on June 30, 2003.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.191 Notice of Appeal fee of **\$160.00** and the 37 CFR §1.136(a) extension fee of **\$465.00** to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**. The Commissioner is also authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 11-0600. A duplicate of this communication is enclosed for that purpose.

Respectfully submitted,

Dated: June 27, 2003

By: John Resek
John Resek
Reg. No. 52,162
KENYON & KENYON

CUSTOMER NO. 26646
PATENT TRADEMARK OFFICE